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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,934	05/10/2001	Tushar D. Chandra	YOR920000826US1	5830
35526	7590	12/14/2005	EXAMINER	
DUKE. W. YEE YEE & ASSOCIATES, P.C. P.O. BOX 802333 DALLAS, TX 75380			HARBECK, TIMOTHY M	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/852,934	CHANDRA ET AL.
	Examiner	Art Unit
	Timothy M. Harbeck	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 May 2001.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-56 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-56 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 May 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, 8-11, 17, 23-25, 28, 30-33, 39, 45, 47 and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Silverman et al (hereinafter Silverman US PAT 5,924,082).

**Re Claim 1:** Silverman discloses a negotiated matching system:

- Publishing, over the data processing system, a type of trade that is to be brokered (Column 10, lines 59-64)
- Receiving a bid from a first party corresponding to a trade (Column 10, lines 64- Column 11, line 1)
- Publishing, over the data processing system, criteria for a matching bid without compromising the identity of the first party (Column 8, lines 6-8)

**Re Claim 2:** Silverman discloses the claimed method supra and further discloses wherein publishing a type of trade that is to be brokered includes publishing one or more of a list of acceptable parties to the trade, the type of trade, and a list of preferable qualifications for performing the type of trade (Column 9, line 25- Column 10,

line 40). The rankings issued by the matching computer are displayed (published) on each counterparty screen.

**Re Claim 3:** Silverman discloses the claimed method *supra* and further discloses the step comprising publishing one or more of a cryptographic access methods to be used and methods that will be used to determine an appropriate counterparty (Column 10, lines 33-40). Silverman publishes ranking information that will be used in determining an appropriate counterparty to all users of the system.

**Re Claim 6:** Silverman discloses the claimed method *supra* and further discloses the step of providing the criteria for a matching bid to the first party prior to publishing the criteria for the matching bid (Column 7, lines 14-30). The system of Silverman not only provides the first party with the criteria for a matching bid prior to publishing, but also allows the user to set these parameters (firm or soft).

**Re Claim 8:** Silverman discloses the claimed method *supra* and further discloses the step comprising receiving a counterparty bid from a second party in response to the publishing of the criteria for a matching bid (Fig 2 Ref 207-215 and Column 8, lines 11-46).

**Re Claim 9:** Silverman discloses the claimed method *supra* and further discloses the step wherein the counterparty bid includes additional requirements to be met by the first party (Column 4, lines 50-67).

**Re Claim 10:** Silverman discloses the claimed method *supra* and further discloses the step comprising presenting the counterparty bid to the first party without compromising an identity of the second party (Column 12, lines 59-67).

**Re Claim 11:** Silverman discloses the claimed method supra and further discloses the step wherein the identity of the first party is disclosed to the second party and the identify of the second party is disclosed to the first party only when both the first party and the second party indicate intent to complete the transaction. (Column 4, lines 4-12).

**Re Claim 17:** Silverman discloses the claimed method supra and further discloses the step comprising determining if the counterparty bid matches requirements of the bid from the first party (Column 7, lines 25-42).

**Re Claims 23-25, 28, 30-33 and 39:** Further apparatus claims would have been obvious to perform previously rejected method claims 1-3, 6, 8-11 and 17 respectively and are therefore rejected using the same art and rationale.

**Re Claims 45, 47 and 48:** Further computer program product claims would have been obvious in order to implement previously rejected method claims 1, 8 and 10 respectively and are therefore rejected using the same art and rationale.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5, 7, 12-16, 18-22, 26-27, 29, 34-38, 40-44, 46 and 49-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverman (US PAT 5,924,082).

**Re Claim 4:** Silverman discloses the claimed method 1 supra but does not explicitly disclose publishing a type of trade that is to be brokered includes publishing the type of trade using Pub/Sub messaging. However applicant states in his specification that "With the Pub/Sub multicast capability, an emitting party publishes a variety of messages and potential receiving parties declare the sort of those messages they want to receive. The Pub/Sub system matches each published message with the interests of subscribers to determine which subscribers should receive that message (Page 7)." The system of Silverman, while not specifically stating the use of Pub/Sub, the system uses a similar technology that performs the same function. Silverman allows users to both submit a variety of messages and receiving parties to declare (through the ranking system) the sort of messages (offers/bids) that they wish to receive (See Column 8, lines 11-58 and Column 9, line 25- Column 10, line 40). In other words, the system of Silverman allows each user to filter through all of the potential trades and messages in order to find potential matches. It would have been obvious to anyone skilled in the ordinary art to use the Pub/Sub technology in the system of Silverman because it would have been a substitution of a similar technology that performs the same function.

**Re Claim 5:** Silverman discloses the claimed method 4 supra but does not explicitly disclose wherein the Pub/Sub messaging is performed using messaging middleware. However, applicant states that the function of the messaging middleware is to send and receive messages amongst a plurality of devices (Page 6). It is clear

from the disclosure of Silverman that there is present a messaging device that performs this function. The bids and offers that are issued by different users of the system can be distributed to the intelligent nodes (other users) of the system (Column 8, lines 6-8). It would have been obvious to anyone skilled in the ordinary art to use the messaging middleware technology in the system of Silverman because it would have been a substitution of a similar technology that performs the same function.

**Re Claim 7:** Silverman discloses the claimed method 1 *supra* and while not explicitly disclosing the step wherein publishing a type of trade that is to be brokered includes publishing the type of trade using message posting, the system of Silverman does contain a central repository of trade types (Column 10, lines 55-Column 11, line 5). Silverman also discloses a messaging system that allows the central computer to communicate with the remote terminals (Column 6, lines-27-38), and that information regarding trades is often distributed to these terminals from the central computer (Column 8, lines 6-8). It would have been obvious to anyone skilled in the ordinary art at the time of invention to further adapt the messaging system of Silverman to allow for message posting of types of trades in order to further service the users of the system. Since a user enters information regarding the types of trades they are seeking, it would be instructive of the system to post potential trades so that a match may be reached in a more efficient manner.

**Re Claim 12:** Silverman discloses the claimed method 1 *supra* but does not explicitly disclose the step comprising, obtaining credit information of the first party and comparing the credit information to credit requirements. Silverman does however

address issues regarding credit on numerous occasions (Column 2 lines 41-Column 3 line 34; Column 3 line 65-Column 4 line 3; and Column 11, line 32-35). Furthermore it was well known in the art at the time of invention to obtain credit information and compare this information to credit requirements in order to asses the potential risk associated with any particular transaction. It would have been obvious to someone skilled in the ordinary art at the time of invention include the credit checking feature into the system of Silverman so that users do not enter into a trade with a counterparty that could default on the transaction.

**Re Claim 13:** Silverman discloses the claimed method supra and while not explicitly disclosing the step comprising providing the first party with an opportunity to offer collateral if a result of comparing the credit information to the credit requirements is that the credit information is insufficient, the step of providing collateral to make up for insufficient credit is well known in the art, has been used for years, and would have been obvious to anyone skilled in the ordinary art, so that a party to a transaction has a claim to something should the other party default.

**Re Claims 14-16:** Silverman discloses the claimed method 1 supra and while not explicitly disclosing the steps wherein the electronic brokering if of a request for credit, block trades or high volume trades, Silverman does note that the system is intended to be used for a large variety of transaction types (Column 13 line 31-58). The system could easily accommodate the brokering for a request for credit, block trades or high volume trades without departing from the spirit or scope of the invention

and it therefore would have been obvious to anyone skilled in the ordinary art at the time of invention to adapt the system to do just that.

**Re Claim 18:** Silverman discloses the claimed method 17 above *supra* but does not explicitly disclose the step comprising determining if a combination of counterparty bids matches the requirements of the bid from the first party, if the counter party bid does not match the requirements of the bid from the first party. However it was well known in the art at the time of invention to aggregate bids in order to complete a match. The ultimate goal of any matching system is to fulfill the requests of all users. If a system can recognize that coupling bids or offers together could aid in this goal, it would be in the best interest of the system to do so. It would have been obvious to anyone skilled in the ordinary art at the time of invention to include this feature to the matching system of Silverman so that a user has an even greater chance of having his bid or offer matched against other orders.

**Re Claim 19:** Silverman discloses the claimed method 17 above *supra* but does not explicitly disclose the step comprising determining a mean bid to the first party and the second party, if the counter party bid does not match the bid from the first party. Silverman does provide a variety of "best quotes" to users of the system, which would allow any user to easily compute the mean bid (Column 11, lines 6-31). Furthermore, the system is set up to allow for potential counterparties to be placed into communication with each other to eventually come to an agreement if certain parameters (in this case the bid/offer) are not in perfect agreement, but other important parameters are. It would have been obvious to anyone of ordinary skill in the art at the

time of invention to disclose the mean bid to potential counterparties so that they can decide if a potential middle ground agreement can be reached and therefore complete the transaction.

**Re Claim 20:** Silverman discloses the claimed method 1 above *supra* but does not explicitly disclose the step wherein the method is implemented in a field programmable device, however it was notoriously well known and therefore obvious in the art at the time of invention to allow any computer system to be implemented in a field programmable device so that users of the system are not confined to any particular location, but can access the system from a variety of spots.

**Re Claims 21 and 22:** Silverman discloses the claimed method 1 above *supra* but does not explicitly disclose the step wherein the method is implemented in an IBM 4758 PCI Cryptographic coprocessor and wherein the method is implemented in a processor having a cryptographic coprocessor. However these devices, as noted by the applicant in his disclosure were well known in the art at the time of invention (pages 8-9). It would have been obvious to anyone skilled in the ordinary art to use the IBM 4758 PCI Cryptographic coprocessor technology in the system of Silverman because it would have been a substitution of a similar technology that performs the same function.

**Re Claims 26-27, 29, 34-38 and 40-44:** Further apparatus claims would have been obvious to perform previously rejected method claims 4-5, 7, 12-16 and 18-22 respectively and are therefore rejected using the same art and rationale.

**Re Claim 46:** Further computer program product claim would have been obvious in order to implement previously rejected method claim 4 and is therefore rejected using the same art and rationale.

**Re Claim 49:** Silverman discloses a method for initializing a negotiated matching system comprising:

- Defining a set of rules for trade types (Column 7, lines 14-Column 8, line 59)

Silverman does not explicitly disclose the steps comprising

- Defining a set of programs for implementing the set of rules; and
- Defining a set of signatures for programs that may provide instructions to the electronic broker

However, in order for the system of Silverman does disclose that the functions of the matching computer may be performed using a configuration of hardware components, software components or both (Column 7, lines 4-7), which would include a set of programs for implementing the rules and, potentially, a set of signatures for programs that would provide instructions. In other words, the system of Silverman is capable of being adapted to a wide variety of hardware and software component and implementations and it would have been obvious to use any such system that was well known in the art at the time of invention.

**Re Claim 50:** Silverman discloses the claimed method 49 supra and further discloses wherein the set of rules includes one or more of a matching method, a

negotiation scheme and operating rules for the electronic broker (See Title and Abstract).

**Re Claims 51:** Silverman discloses the claimed method 49 and further discloses the steps wherein the set of programs is stored in a storage device associated with the electronic broker (Column 7, lines 31-33), but does not explicitly disclose wherein it is stored in encrypted form. However, Silverman does disclose that the functions of the matching computer may be performed using a configuration of hardware components, software components or both (Column 7, lines 4-7), which would include an encrypted storage device. In other words, the system of Silverman is capable of being adapted to a wide variety of hardware and software component and implementations and it would have been obvious to use any such component that was well known in the art at the time of invention.

**Re Claims 52:** Silverman discloses the claimed method 49 but does not explicitly disclose the step comprising storing a signature for each program in the set of programs in memory. However, Silverman does disclose that the functions of the matching computer may be performed using a configuration of hardware components, software components or both (Column 7, lines 4-7), which would include a signature for each program in the set of programs in memory. In other words, the system of Silverman is capable of being adapted to a wide variety of hardware and software components and implementations and it would have been obvious to use any such component that was well known in the art at the time of invention.

**Re Claim 53:** Silverman discloses the claimed method 49 and while not explicitly disclosing the step wherein the electronic broker only accepts trades of a type that may be brokered in conjunction with already active trades this is a software feature that could easily be implemented into the Silverman system. Silverman discloses that the functions of the matching computer may be performed using a configuration of hardware components, software components or both (Column 7, lines 4-7). In other words, the system of Silverman is capable of being adapted to a wide variety of hardware and software components and implementations and it would have been obvious to use any such component that was well known in the art at the time of invention.

**Re Claims 54-56:** Silverman discloses the claimed method 49 but does not explicitly disclose wherein the electronic broker only accepts inputs pertaining to elements of a trade or security measures of a trade. However, Silverman does disclose that the functions of the matching computer may be performed using a configuration of hardware components, software components or both (Column 7, lines 4-7), which would include inputs pertaining to elements of a trade or security measures of a trade (including those specific ones in claims 55 and 56). In other words, the system of Silverman is capable of being adapted to a wide variety of hardware and software components and implementations and it would have been obvious to use any such component that was well known in the art at the time of invention.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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